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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,644	04/23/2001	David de Andrade	004572.P005	6427

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/841,644

Applicant(s)

ANDRADE ET AL.

Examiner

Dominic D. Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 11, 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 11-19, 21-28, 30-37, and 39-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Portuesi (5,774,666).

Regarding claims 1, 11, 21, 28, 30, 37, and 39, Portuesi discloses, in an interactive television (TV) environment, a method comprising recognizing elements in an unmodified broadcast data stream and prior to broadcasting,

automatically inserting an interactive TV trigger into the broadcast data stream based on the recognized elements (col. 3 line 66 – col. 4 line 17; col. 4 line 47 – col. 5 line 12; and col. 8 line 66 – col. 9 line 21).

Regarding claim 2, Portuesi discloses the method of claim 1, further comprising pre-inserting the interactive TV trigger into any stored content that will constitute the broadcast data stream (col. 8 line 66 – col. 9 line 21).

Regarding claims 3-6, 23-26, and 32-35, Portuesi discloses the method and system of claims 2, 21, and 30, wherein the elements includes voice, other audio, video, and text elements (col. 5, lines 5-12).

Regarding claims 7, 27, and 36, Portuesi discloses the methods and system of claims 2, 21, and 30, wherein the automatically inserting of the interactive TV trigger includes automatically inserting the interactive TV trigger into the broadcast data stream based on the recognized elements (col. 8 line 66 – col. 9 line 21).

Regarding claims 8 and 18, Portuesi discloses the method and system of claims 1 and 11, further comprising delivering the broadcast data stream with the inserted interactive TV trigger to one or more receivers for display (col. 5, lines 32-58 and col. 8, lines 53-65).

Regarding claims 9 and 19, Portuesi discloses the method and system of claims 1 and 18, wherein the automatically inserting of the interactive TV trigger includes automatically inserting the interactive TV trigger into the broadcast data stream within a receiver (col. 5, lines 32-58).

Regarding claim 12, Portuesi discloses the system of claim 11, further comprising a recognizing unit to recognize one or more elements in the broadcast data stream (an inherent feature that is necessary for the association of triggers with the data stream as proposed by Portuesi, as Portuesi teaches the URLs are associated with specific audio or video portions, see col. 4 line 63 – col. 5 line 12, and figs. 3-4).

Regarding claims 13-16, Portuesi discloses the system of claim 12, wherein the elements includes voice, other audio, video, and text elements (col. 5, lines 5-12).

Regarding claim 17, Portuesi discloses the system of claim 12, wherein the automatically inserting of the interactive TV trigger includes automatically inserting the interactive TV trigger into the broadcast data stream based on the recognized elements (col. 8 line 66 – col. 9 line 21).

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Regarding claims 22, 31, and 40, Portuesi discloses the method and system of claims 21, 30, and 39, further comprising passing the broadcast data stream to one or more receivers is the media asset does not match with an interactive element (all video elements are broadcast regardless of whether a trigger has been associated with them or not).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10, 20, 29, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portuesi.

Regarding claims 10, 20, 29, and 38, Portuesi discloses the methods and system of claims 1, 11, 28, and 37, but fails to disclose the interactive TV trigger includes an Advanced Television Enhancement Forum (ATVEF) trigger.

Examiner takes official notice that it is notoriously well known in the art to enhance television broadcasts using standardized ATVEF triggers.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Portuesi to include ATVEF triggers, for the benefit of using a standardized means of content enhancement

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for broadcast programming (as Portuesi teaches the invention is not limited to merely URLs, col. 4, lines 10-18).

### ***Conclusion***

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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## Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Typed or printed name of person signing this certificate:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS



**JOHN MILLER**  
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